

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
October 20, 2021, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Ty Bringhurst, Gary Chaves, Chuck Williams; Staff: Attorney Heath Snow, City Manager Kent Page, Treasurer Dana McKim, Recorder Ruth Evans; Support Staff: Planning Chairman Joey Campbell; Absent: Councilman Keen Ellsworth, Public Works Director Lance Gubler.

A. CALL TO ORDER:

Mayor Chamberlain called the meeting to order at 6:00 p.m. Councilman Chaves led the Pledge of Allegiance. Councilman Bringhurst gave the invocation. Mayor Chamberlain recognized Mike Vercimak who was the Zoning Official for Toquerville for 16 years. The City owes him a great debt for his years of dedicated service. Mr. Vercimak wished to thank the City and acknowledge he has worked with a lot of fine people over the years. It was a great honor and privilege to be associated with the City and he will be leaving with good memories and friends. There were no statements of belief voiced.

B. APPROVAL OF AGENDA:

The Council reviewed the agenda. There were no disclosures, nor conflict declarations from Council Members.

Councilman Justin Sip moved to approve the Regular Business Meeting Agenda. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

C. CONSENT AGENDA:

Review and possible approval of meeting minutes from September 1st Work Meeting and September 15th Business Meeting.

Councilman Justin Sip moved to approve the meeting minutes from September 1st Work Meeting and September 15th Business Meeting. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Review and possible approval of City Expenditures from September 2021.

Councilman Justin Sip moved to approve the City Expenditures from September 2021. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

D. PUBLIC FORUM:

Resident Gene Wilder commented that he has been coming here for months and is requesting the City pave Pecan Lane. It is dangerous and his son-in-law was pulling out his garbage can and fell and has to have surgery now because it is not paved. The families on this lane have asked he speak for them and request the street be paved. This one size fits all ordinance that requires curb and gutter does not work. The seven families living there do not want curb and gutter. It would be a total waste of money. The City can find a way to pave the lane without that.



Resident George Lindstrom commented the City should put in a booth going up to Toquer Falls so the city could make some money. That money could be used to pave Pecan Lane.

E. PRESENTATION:

1. Ann Spilker from the Dove Center would like to promote and educate everyone on domestic violence awareness. It is requested that the City Council adopt this resolution and use October as domestic violence awareness month.

F. PUBLIC HEARING:

1. Public input is sought on Ordinance 2021.XX – An ordinance vacating a portion of North Chaparell Drive adjacent to property owned by Jack Kohler LLC and Litchfield Family Trust and authorizing the City to sell said vacated parcel to adjacent homeowner.

Councilman Ty Bringhurst moved to open the Public Hearing. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Resident Anita Lindstrom asked if the City is planning on using the whole lot and what the intended use is. Councilman Bringhurst commented the City needs to acquire more land to accommodate the cuts for the bypass road.

Resident Timothy Mahoney commented the vacated piece is not useless. His family uses it, and values open space. The exchange is unfair and unequal. The city is trading a small piece for a large piece. He would like it to remain open space. It has been vacant for ten years. This doesn't benefit Toquerville, and the character of the heights is being lost. Sight lines are decreasing, and the impact of the bypass road should be minimized. Councilman Bringhurst commented that Jack Kohler is paying the City for the land. The City is working on putting in parks in the heights and is aware of the open space needs in that area.

Councilman Ty Bringhurst moved to close the Public Hearing. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

G. BUSINESS:

1. Discussion and possible action on a nightly rental application submitted by Corey Turner for a nightly rental located at 728 S. Westfield Rd. Tax ID # T-142-A-2-B-2-A. (PC recommended approval 5-0)

Councilman Ty Bringhurst moved to approve the nightly rental for Corey Turner. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

2. Discussion and possible action on a deferral agreement for Kirk & Raina Thorne, 270 N Hillside Dr.

The Council discussed this deferral agreement allows the homeowner to defer putting in curb and gutter outside their home until the City is ready to make those improvements.



Councilman Justin Sip moved to approve the deferral agreement for Kirk and Raina Thorne. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

3. Discussion and possible action on Resolution 2021.XX Domestic Violence Awareness Month.

Councilman Ty Bringhurst moved to approve Resolution 2021.XX Domestic Violence Awareness Month. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

4. Discussion and possible action on Ordinance 2021.XX – An ordinance vacating a portion of North Chaparell Drive adjacent to property owned by Jack Kohler LLC and Litchfield Family Trust and authorizing the City to sell said vacated parcel to adjacent homeowner.

Councilman Bringhurst commented the overhead powerline easement will need to remain in place.

Councilman Ty Bringhurst moved to approve Ordinance 2021.XX – An ordinance vacating a portion of North Chaparell Drive adjacent to property owned by Jack Kohler LLC and Litchfield Family Trust and authorizing the City to sell said vacated parcel to adjacent homeowner. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

5. Discussion and possible action on Real estate purchase and exchange agreement for Jack Kohler LLC.

Councilman Ty Bringhurst moved to approve the Real estate purchase and exchange agreement for Jack Kohler LLC. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

6. Discussion and possible action on Levi Savage Monument at the Toquerville Cemetery.

Councilman Ty Bringhurst moved to approve the Levi Savage Monument at the Toquerville Cemetery. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

7. Discussion and possible action on Resolution 2021.XX National American Indian Heritage Month.

Councilman Justin Sip moved to approve Resolution 2021.XX National American Indian Heritage Month. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

8. Discussion and possible action on affordable housing plan – Gary Nielsen.



The Council discussed what action to take, if any. The Council discussed the need to create a smaller residential zone to accommodate affordable housing or approve a conditional use permit within the Multiple Use zone for this type of project. There are pros and cons of having smaller lots as well as other issues with high density areas like parking, fire protection, and road widths.

9. Discussion and possible action on Cholla Turning Lanes UDOT agreement and possible expenditure of \$143,079.00.

Councilman Bringhurst commented this project will be funded with money from the Capital Facilities Plan. UDOT has their portion of the money allocated. Bids for the project will begin this winter. The project will take approximately four months to complete.

Councilman Justin Sip moved to approve the expenditure for the Cholla turn lanes in the amount of \$143,079.00. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

10. Discussion and possible action on Ordinance 2021.XX 7-7 Cemetery.

The Council discussed the updated ordinance includes language stating everyone has to pay perpetual care fees and the option for the City to use discretion on enforcing the state statute of holding plots for 60 years.

Councilman Chuck Williams moved to approve Ordinance 2021.XX 7-7 Cemetery, with stated modifications. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

11. Discussion and possible action on Resolution 2021.XX Secondary water connections.

Councilman Bringhurst is working on the map showing the areas where secondary water is available and will have that ready for the next meeting.

Councilman Gary Chaves moved to table the discussion on secondary water connections until December. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

12. Discussion and possible action on Policy & Procedures – Employee probationary period.

The Council discussed adopting a 90-day probation period instead of the current 6-month probation period. The policy needs to clarify an insurance and benefits probation period and a performance probation period. City Manager Page commented the City should try to be as competitive as possible to make this a great place to work and will get examples from other cities.

Councilman Ty Bringhurst moved to table the discussion on Policy & Procedures employee probationary period. Councilman Justin Sip seconded the motion. Motion



unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

13. Discussion and possible action on use of American Rescue Plan Act funds for expenditures including employee wages and software purchase.

City Manager Page commented that public employees are essential workers and therefore are subject to the use of the American Rescue Plans. It was suggested to offer the current employees a bonus to keep them here. Another public works employee is needed. Councilman Chaves commented employees should be discussed in a closed session.

Councilman Ty Bringhurst moved to table the discussion of the use of ARP funds. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

H. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session to discuss the character, professional competence, or physical or mental health of an individual.

Councilman Ty Bringhurst moved to enter a closed session to discuss the character, professional competence, or physical or mental health of an individual. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular meeting at 7:03 p.m.

I. CLOSED SESSION:

The closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual was called to order.

The closed session adjourned at 8:17 p.m.

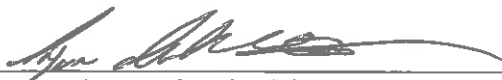
J. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 8:18 p.m.

Councilman Bringhurst commented the Toquerville Parkway bypass road will go to bid mid-November. A consulting firm will need to be hired to manage the bid process.

Councilman Justin Sip moved to adjourn the Regular Business Meeting. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular business meeting at 8:22 p.m.



Mayor – Lynn Chamberlain



Attest: City Recorder – Ruth Evans

